

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Clarence Daily Council Jr.**

**Docket No. 7:06-CR-23-1H**

**Petition for Action on Supervised Release**

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Clarence Daily Council Jr., who, upon an earlier plea of guilty to 18 U.S.C. § 1951 & 2, Interference With Commerce by Robbery and Aiding and Abetting, 18 U.S.C. § 924(c)(1)(A) & 2, Brandishing a Firearm in the Furtherance of a Crime of Violence and Aiding and Abetting, 18 U.S.C. § 922 (g)(1), 924 & 2, Felon in Possession of a Firearm and Aiding and Abetting, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on September 07, 2006, to the custody of the Bureau of Prisons for a term of 125 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Clarence Daily Council Jr. was released from custody on December 11, 2014, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On June 28, 2016, information was received by the probation office that Council was associating and residing with a convicted felon under federal supervision by the probation office in Fayetteville, NC. On June 29, 2016, Council was directed to report to the U.S. Probation Office, in Fayetteville, NC, to discuss this matter and submit to urine testing. Council met with Supervising U.S. Probation Officer Eddie Smith who attempted to collect a urine sample from him. SUSPO Smith discovered Council had concealed urine in a plastic bottle in an effort to avoid submitting a positive urine screen. A subsequent test taken from Council revealed he was positive for marijuana and he admitted using marijuana on June 28, 2016. Council was directed to report his supervising officer in Wilmington, NC, and he was verbally reprimanded by U.S. Probation Officer John Cooper and Supervising Probation Officer Bob Thornton. Council admitted his mistakes and attributed his conduct to poor decision making and recent financial stress and issues with his girlfriend. We proposed a sanction for his conduct that he should serve three weekends in jail and participate in a cognitive behavioral program to help him make better decisions when faced with life decisions and personal issues. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 weekends, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

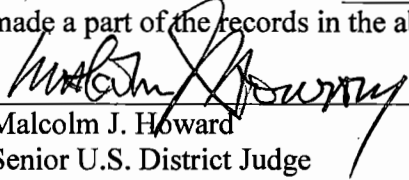
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ John A. Cooper  
John A. Cooper  
U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: 910-679-2046  
Executed On: July 05, 2016

**ORDER OF THE COURT**

Considered and ordered this 6<sup>th</sup> day of July, 2016, and ordered filed and  
made a part of the records in the above case.

  
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Malcolm J. Howard  
Senior U.S. District Judge